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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,720	10/22/2003	Rex Coverstone	ITA-1	6842
22855	7590	03/21/2005	EXAMINER	
RANDALL J. KNUTH P.C. 4921 DESOTO DRIVE FORT WAYNE, IN 46815				KING, ANITA M
ART UNIT		PAPER NUMBER		
		3632		

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
10/691,720	COVERSTONE ET AL.	
Examiner	Art Unit	
Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

This is the first office action for application number 10/691,720, Adjustable Sign/Target Holder, filed on October 22, 2003.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "50" has been used to designate both the ground in Fig. 4 and a stand element in Fig. 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "23a," "61," and "62". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "22" and "23" in Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claims 1, 3, and 6 is objected to because of the following informalities: in claim 1, the claimed terminology should be consistent with the specification; in claim 3, "therein" in line 1 appears to be incorrect and should be --wherein--; and in claim 6, line

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1, --of-- should be inserted after "one" and --at least one-- should be inserted before "releasable" in line 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a sign/target," in line 33 is intended to refer to the original recitation of the term "a sign/target," in line 18 of the claim. The latter recitation should be changed to either --the sign/target-- or --said sign/target--.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,080,166 to Clark. Clark discloses a sign/target holder comprising: a base

frame (17) configured for substantially upright positioning thereof relative to a base surface; an adjustable sign/target receiver (10), the sign/target receiver being mounted upon the base frame, the sign/target receiver having a primary receiver plane (@13, 14) associated therewith, the sign/target receiver including a first L-shaped member (11) mounted relative to the base frame, the first L-shaped member being positioned in the primary receiver plate, the first L-shaped member having a first leg and a second leg, the first leg being at a substantially right angle relative to the second leg, the first leg being mounted relative to the base frame, the second leg extending away from the base frame, the second leg being provided with at least one releasable attachment mechanism (20) configured for facilitating a releasable attachment of a sign/target (21) thereto; a second L-shaped member (12) mounted relative to the base frame and the first L-shaped member, the first L-shaped member being movably positioned relative to the second L-shaped member, the second L-shaped member being positioned in the primary receiver plane, the second L-shaped member having a first leg and a second leg, the first leg and the second leg thereof being at a substantially right angle relative to one another, the first leg of the second L-shaped member being mounted relative to the base frame, the second leg of the second L-shaped member extending away from the base frame, the second leg of the second L-shaped member being provided with at least one releasable attachment mechanism (20) configured for facilitating a releasable attachment of the sign/target thereto; wherein the base surface is a ground surface, the base frame being one of configured for partial insertion into the ground surface and configured for surface mounting thereupon; wherein the base frame has a primary

frame plane associated therewith, the primary frame plane and the primary receiver plane being substantially coplanar; wherein the first L-shaped member and the second L-shaped member are one of similarly aligned and inversely aligned relative to one another; wherein the first L-shaped member has a first elbow, and the second L-shaped member has a second elbow, the first L-shaped member and the second L-shaped member being aligned such that the first elbow and the second elbow are directed away from one another; and wherein one of the at least one releasable attachment mechanisms provided on the second legs of the members is a clamp and a springed clip.

Claims 1, 3-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,583,703 to Brown. Brown discloses a sign/target holder (10) comprising: a base frame (14 & 16) configured for substantially upright positioning thereof relative to a base surface; an adjustable sign/target receiver, the sign/target receiver being mounted upon the base frame, the sign/target receiver having a primary receiver plane associated therewith, the sign/target receiver including a first L-shaped member (28) mounted relative to the base frame, the first L-shaped member being positioned in the primary receiver plate, the first L-shaped member having a first leg (30 &32) and a second leg (60), the first leg being at a substantially right angle relative to the second leg, the first leg being mounted relative to the base frame, the second leg extending away from the base frame, the second leg being provided with at least one releasable attachment mechanism (102) configured for facilitating a releasable attachment of a sign/target (18) thereto; a second L-shaped member (42) mounted

relative to the base frame and the first L-shaped member, the first L-shaped member being movably positioned relative to the second L-shaped member, the second L-shaped member being positioned in the primary receiver plane, the second L-shaped member having a first leg (44 & 50) and a second leg (58), the first leg and the second leg thereof being at a substantially right angle relative to one another, the first leg of the second L-shaped member being mounted relative to the base frame, the second leg of the second L-shaped member extending away from the base frame, the second leg of the second L-shaped member being provided with at least one releasable attachment mechanism (102) configured for facilitating a releasable attachment of the sign/target thereto; wherein the base frame has a primary frame plane associated therewith, the primary frame plane and the primary receiver plane being substantially coplanar; wherein the first L-shaped member and the second L-shaped member are one of similarly aligned and inversely aligned relative to one another; wherein the first L-shaped member has a first elbow (70), the second L-shaped member having second elbow (62), the first L-shaped member and the second L-shaped member being aligned such that the first elbow and the second elbow are directed away from one another; first and second L holders (86 & 76) mounted on the base frame, the first and second L-holders each having a leg-receiving through-hole therein for receiving therethrough the first leg of the first L-shaped member and the first leg of the second L-shaped member, respectively; the first and second L holders each further include a fastener receiver therein, each fastener receiver being operably located relative to a respective leg-receiving through-hole, each fastener receiver receiving a threaded-rod fastener (90,

80), the threaded-rod fastener being configured for releasably retaining a respective first leg within a related leg-receiving through-hole; and wherein at least one of the threaded-rod fasteners includes a knob thereon for facilitating an actuation thereof.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 3,540,729 to Rahberger
- U.S. Patent 3,601,353 to Dale
- U.S. Patent 3,695,610 to Thompson
- U.S. Patent 3,820,787 to Heinbigner
- U.S. Patent 3,908,992 to Cunningham et al.
- U.S. Patent 4,029,318 to Boss
- U.S. Patent 4,295,648 to Stromback
- U.S. Patent 5,083,390 to Edman
- U.S. Patent 5,678,824 to Fortier et al.
- U.S. Patent 5,860,654 to Jacobs
- U.S. Patent 5,938,203 to Beckwith, Sr.

Rahberger discloses a collapsible rack for holding a target. Dale discloses an adjustable target holder. Thompson discloses a frame assembly for holding a sign. Heinbigner discloses a football practice target. Cunningham et al. disclose a portable, knockdown football goal post. Boss discloses a portable, adjustable target stand.

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Stromback discloses a portable baseball pitcher's target. Edman discloses a modular sign. Fortier et al. disclose a portable target stand. Jacobs discloses an upright open frame for supporting a target. Beckwith, Sr. discloses a portable target stand and target.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday. Note starting April 8, 2005 the examiner may be reached at (571) 272-6817.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156 and after April 8, 2005 can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

March 15, 2005